

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MICHAEL CLAUER and
MAFLORENCE CLAUER

vs.

HERITAGE LAKES HOMEOWNERS
ASSOCIATION, INC., MARK C. DISANTI,
STEEPLECHASE PRODUCTIONS, L.L.C.,
JAD I. ABoul-JIBIN

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Case No. 4:09-cv-560
(Judge Schneider/Judge Mazzant)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On June 3, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Heritage Lakes Homeowners Association, Inc.'s Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim be denied.

The Court, having made a *de novo* review of the objections raised by Defendant, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Defendant Heritage Lakes Homeowners Association, Inc.'s Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim (Dkt. #45) is **DENIED**.

IT IS SO ORDERED.

SIGNED this 16th day of June, 2010.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE